

May 5, 2021

Hon. Peggy Kuo
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Jonathan Rubenstein
TEL: 2149536594
FAX: 2146614594
jonathan.rubenstein@bakerbotts.com

Re: *NOVAGOLD Resources Inc. v. J Capital Research USA LLC*, No. 20-cv-02875-LDH-PK; Second Request on Consent to Extend Time to Join New Parties or Amend Pleadings; Joint Motion to Amend Discovery Plan

Dear Magistrate Judge Kuo:

We write jointly on behalf of NOVAGOLD Resources Inc. (“NOVAGOLD”) and J Capital Research USA, LLC (“JCAP”) to request a modification of the Court’s Discovery Plan/Scheduling Order [Dkt. 30]. Currently, the deadline to file a motion to join new parties or amend the pleadings is May 7, 2021. NOVAGOLD requests that this deadline be extended to August 9, 2021. This is the second request to change this deadline, which was originally scheduled for March 9, 2021. At the time the deadline was originally extended, due to ongoing meet and confers in response to numerous discovery objections, NOVAGOLD did not have the information it believed it needed to assess whether joinder or amendment was necessary or appropriate. This continues to be the case. The parties have met and conferred, sought a discovery conference with Your Honor, and have since that conference continued to meet and confer in an effort to resolve the outstanding discovery disputes. JCAP has a different view of the facts, but does not oppose this request.

Further, as the parties will be unable to complete discovery, draft dispositive motions, or prepare a pre-trial order until after pleadings have closed, and considering that JCAP’s Motion to Dismiss remains pending, other deadlines contemplated in the Court’s Discovery Plan/Scheduling Order require similar adjustment. A proposed revised Discovery Plan/Scheduling Order reflecting such changes, including the deadline to amend the pleadings mentioned above, is enclosed. The parties jointly request these changes to the Discovery Plan/Scheduling Order, which will provide the time necessary to resolve the remaining issues, produce responsive documents following such resolution, conduct the necessary additional discovery and adequately prepare their respective cases.

Respectfully,

/s/ Jonathan Rubenstein
Jonathan Rubenstein
Counsel for Plaintiff NOVAGOLD Resources, Inc.

/s/ David S. Korzenik
David S. Korzenik
Counsel for Defendant J Capital Research USA, LLC